

Examiner in the immediate predecessor patent application, there are serious deficiencies in the content of the Hoffman reference that make it an inappropriate reference to employ in rejecting applicants' claims. In this regard, and with respect to previously furnished arguments, and in light of additional comments provided hereinbelow, the Examiner is encouraged to take a very careful and thoughtful further reading of the Hoffman disclosure to discover these deficiencies.

Hoffman teaches a device which includes a planar tab that is affixed exactly to have its plane (the plane that faces a tape to which it is affixed), from which measurements are made, align at the outer end of a measuring tape. This tab extends transversely relative to the long axis of a tape blade to which it is attached, in "*at least two directions laterally (emphasis added)*" and is requiredly positioned precisely at the outer end of a tape to furnish workpiece contact at a reference measurement point, which point is intended to be located exactly from that plane of the tab which contacts the end of the tape.

For the Examiner's convenience, applicants here call especially to the Examiner's attention several important passages that are present in the text of the Hoffman patent. To begin with, at column 2, lines 7-11, inclusive, Hoffman states:

"It is yet a further object of the present invention to provide a measuring device having a tab fixed to the free end of the blade of the measuring device, the tab extending in at least two directions transverse to the lengthwise edge of the blade of the measuring device at the free end of the blade (emphasis added)."

Here it is very clear that Hoffman is setting the stage to teach us that substantially *any kind* of lateral extension comes within the scope of his invention, including any lateral extension beyond that which is illustrated for each of the several different embodiments which are pictured in the patent. Additionally, Hoffman here reminds us that his device resides, when

attached and in use, exactly at a tape's free (measuring) end.

At column 2, lines 26-28, in describing an important tape measuring consideration which his device is designed to honor, Hoffman states:

“The rule comprises a base having a *reference end* which in use is *aligned with the point being measured from* ... (emphasis added).”

This statement forms part of Hoffman's “SUMMARY OF THE INVENTION”.

The Examiner should also take a close look at column 2, line 67, to column 3, line 4, where Hoffman states:

“ A tab is *fixed to the reference end* of the blade for ... *hooking the free end* (of the blade) *to the point being measured from*, said tab extending *in at least two directions transverse* to a lengthwise edge of the blade *at the free end of the blade* (emphasis added). ”

At column 3, lines 16 and 17, Hoffman states:

“The extension extends in *at least two directions transverse* to the surface of the blade (emphasis added).”

Further, at column 6, line 16, Hoffman introduces “further embodiments” of his invention, which embodiments include tabs that have *different* lateral extensions (see especially and comparatively Figs. 7, 8 and 9 in the Hoffman patent).

In claim 1 of Hoffman, he calls for “a planar hook portion” which extends *in at least two directions transverse relative to* and “at” the free end of a measuring blade. It is in this setting of claim 1, after telling us that the claimed hook portion can extend in *at least two directions transverse* to the free end of a tape blade, that Hoffman then gives us a warning to be heeded regarding tab extensions.

It is very clear, from these representative statements that are made in the patent that

Hoffman intends his invention to cover tabs which are affixed exactly at the free end of a tape blade, with transverse extensions laterally which can go in any selected direction. That this is clearly Hoffman's intention, if such is not deemed to be apparent from the ample, related text which he uses to describe his invention, is very evident from a considered look at Fig. 7, 8, and 9 in the drawings which show three very different embodiments. One can clearly see from these figures in the patent that the Figs. 8 and 9 embodiments display tabs that indeed possess lateral extensions beyond those shown for the tab in Fig. 7, and that the tab in Fig. 9 has lateral extensions beyond those shown for the tab in Fig. 8. If the Examiner's position were correct, namely that Hoffman is warning us about *lateral* extensions, Hoffman's purposely disclosed different embodiments *could not be covered simultaneously or commonly by his claims*. Certainly, this is not what Hoffman intended by his claims, and accordingly, his warning against tab extensions must be a warning that teaches one not to extend the tab portions in some *other direction*.

Hoffman's claim warning clearly does not apply to lateral extensions.

However, it is precisely this warning state present in the Hoffman claims which tells us that the Examiner's proposed (obviousness-aimed) modification of the circular tab shown in Hoffman by the addition of a perimeter row of teeth (extensions), which teeth *extend* toward and over the free end of a tape, is not permissible. That kind of an extension would prevent the measurement plane of Hoffman's tab (the plane facing an attached tape) from seating at the point from which measurements are to be made. It would prevent the plane of the tab from "hooking" the free end of (of a blade) *to* the point being measured from". It would destroy an important utilitarian feature of the Hoffman device.

For these reasons, and for reasons mentioned earlier which were expressed in

earlier-offered arguments in the prosecution history of the claims now present in this patent application, applicants respectfully submit that all claims now presented in this application are clearly distinguishable over the art of record, are not made obvious by the proposed combination of art stated by the Examiner, and are in conditions for immediate allowance.

If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

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Respectfully Submitted,

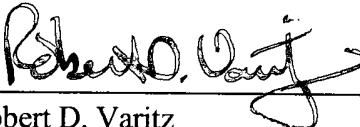


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